

United States District Court  
For the Northern District of California

1 DAVID J. CARPENTER,

2 Petitioner,

3 v.

4 ROBERT L. AYERS, Jr., Warden of  
5 California State Prison at San Quentin,

6 Respondent.

7 NOS. C 98-2444 MMC  
8 C-00-3706 MMC

9 ORDER DENYING MOTION  
10 FOR A CERTIFICATE OF  
11 APPEALABILITY

12 **DEATH PENALTY CASES**

13 Petitioner has filed a notice of appeal to the Ninth Circuit. Petitioner intends to appeal  
14 certain language in a Protective Order entered by this Court on August 21, 2008.

15 In conjunction with his appeal, petitioner has filed a motion for a certificate of appealability.  
16 By order filed September 12, 2008, this Court concluded that petitioner was not entitled to appeal  
17 the Protective Order. As a result, this Court declines to issue a certificate of appealability and,  
18 accordingly, petitioner's motion is hereby DENIED.

19 **IT IS SO ORDERED.**

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21 DATED: September 16, 2008

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26 MAXINE M. CHESNEY  
27 UNITED STATES DISTRICT JUDGE